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Attorneys for Defendant
WAL-MART ASSOCIATES, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVE WHEAT, an individual,

Plaintiff,

vs.

WAL-MART ASSOCIATES, INC., a Delaware
Corporation, and DOES 1-10, inclusive,

Defendants.

Case No. 1:22-cv-01524-BAM

**JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE PRETRIAL AND
TRIAL DATES**

Action Filed: October 27, 2022
Trial Date: October 7, 2024

Plaintiff STEVE WHEAT ("Plaintiff") and Defendant WAL-MART ASSOCIATES, INC.
("Defendant"), by and through their counsel, hereby stipulate and agree as follows:

WHEREAS, Plaintiff filed the Complaint in this matter on October 27, 2022;

WHEREAS, on February 21, 2023, the Court issued a Scheduling Conference Order
ordering the Parties to complete non-expert discovery by February 6, 2024;

WHEREAS, Defendant served its first set of discovery on April 13, 2023;

1 WHEREAS, Plaintiff served its first set of discovery on April 13, 2023;

2 WHEREAS, the Parties have been engaged in various meet and confer efforts, attended
3 multiple discovery status conferences with this Court, and have been working diligently to resolve
4 their respective discovery disputes;

5 WHEREAS, on November 9, 2023, Plaintiff filed his Motion to Quash Subpoenas for
6 Medical Records;

7 WHEREAS, on November 22, 2023, Defendant filed their Opposition to Plaintiff's Motion
8 to Quash Subpoenas for Medical Records;

9 WHEREAS, on November 30, 2023, Plaintiff filed his Reply in support of his Motion to
10 Quash Subpoenas for Medical Records;

11 WHEREAS, on December 11, 2023, the Court issued its Order Denying Plaintiff's Motion
12 to Quash Subpoenas for Medical Records;

13 WHEREAS, on December 21, 2023, the Parties jointly filed a Stipulation for Independent
14 Medical Examination ("IME") of Plaintiff Steve Wheat and Proposed Protective Order regarding
15 Defendant's IME of Plaintiff Steve Wheat.

16 WHEREAS, on December 22, 2023, this Court signed the Parties' Proposed Protective
17 Order regarding Defendant's IME of Plaintiff Steve Wheat.

18 WHEREAS, the Parties are engaged in efforts to schedule Plaintiff's IME and in light of
19 the holiday season, will not be able to conduct the IME until February 16, 2024.

20 WHEREAS, the Parties are still actively engaged in efforts to complete their respective
21 initial rounds of discovery so that they may substantively prepare for the deposition of Plaintiff and
22 Defendant's Person Most Qualified;

23 WHEREAS, the Parties have not completed depositions and other essential discovery for
24 summary judgment and trial in an effort to fully resolve pending discovery disputes;

25 WHEREAS, the current deadlines to complete discovery will frustrate the Parties' meet and
26 confer progress by requiring the completion of discovery, prior to taking the deposition of Plaintiff
27 and Defendant's Person Most Qualified;

28 ///

WHEREAS, there has been no previous modification of the Scheduling Order in this action;

WHEREAS, the Parties believe it is in their best interests to conserve costs and judicial resources while the Parties seek resolution of their pending discovery issues;

WHEREAS, the Parties agree that the interests of justice are best served by a continuance of the discovery cutoff so that the Parties have sufficient time to complete essential discovery and prepare for trial;

WHEREAS, the Parties are making this request as soon as reasonably practicable once the Parties realized the necessity of the extension based on the circumstances identified above;

WHEREAS, both Parties will suffer significant prejudice if discovery is not extended, because neither Party will have sufficient time to conduct discovery necessary for dispositive motions or trial;

WHEREAS, the Parties agree that neither Party will suffer any prejudice if the Court extends discovery as requested;

WHEREAS, the Parties agree that the interests of justice are best served by an extension of discovery and all related remaining deadlines so that the Parties have sufficient time to complete essential discovery and prepare for trial;

THEREFORE, for the reasons set forth above, good cause exists for an extension of pretrial and trial dates set forth in the Court's Scheduling Conference Order. Thus, subject to the Court's approval, the Parties stipulate and agree to the proposed revised deadlines below:

Event	Current Date	Proposed Date
Non-Expert Discovery	February 6, 2024	August 31, 2024
Expert Disclosure	February 23, 2024	December 5, 2024
Supplemental Expert Disclosure	March 8, 2024	December 23, 2024
Expert Discovery Cutoff	April 12, 2024	February 5, 2025
Pretrial Motion Filing Deadline	April 30, 2024	September 29, 2024
Pretrial Conference	August 7, 2024 at 9:00 a.m.	February 27, 2025 at 9:00 a.m.

Jury Trial (7-10 days)

October 7, 2024 at 8:30 a.m.

March 17, 2025 at 8:30 a.m.

IT IS SO STIPULATED.

DATED: January 17, 2024

KING & SIEGEL LLP

By: /s/ Rachael Sauer (as authorized on 1.17.24)
Julian Burns King
Rachael E. Sauer

Attorneys for Plaintiff STEVE WHEAT

DATED: January 17, 2024

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: /s/ Haidy M. Rivera
James T. Conley
Haidy M. Rivera

Attorneys for Defendant
WAL-MART ASSOCIATES, INC.

ATTESTATION

Concurrence in the filing of this document has been obtained from the individual whose
electronic signature is attributed above.

DATED: January 17, 2024

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: /s/ Haidy M. Rivera
James T. Conley
Haidy M. Rivera

Attorneys for Defendant
WAL-MART ASSOCIATES, INC.

ORDER

The Court having read and considered the Parties' Joint Stipulation to Continue Pretrial and Trial Dates, and cause appearing:

IT IS HEREBY ORDERED that the pretrial and trial dates shall be as follows:

Event	Date
Non-Expert Discovery	August 31, 2024
Expert Disclosure	September 20, 2024
Supplemental Expert Disclosure	October 18, 2024
Expert Discovery Cutoff	December 13, 2024
Pretrial Motion Filing Deadline	January 17, 2025
Pretrial Conference	April 23, 2025 at 9:00 a.m.
Jury Trial (7-10 days)	June 9, 2025 at 8:30 a.m.

IT IS SO ORDERED.

Dated: **January 22, 2024**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE